

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANGEL SANCHEZ, )  
 )  
Petitioner, ) Case No.1:00-CR-0300-04  
 )  
v. )  
 ) The Honorable Sylvia H. Rambo  
UNITED STATES OF AMERICA, )  
 ) U.S. District Ct. Judge  
Respondent. )

FILED  
HARRISBURG  
Feb 28 2006  
MARY E. D'ANDREA, CLERK  
Per DEPUTY CLERK

**Motion To Sever Petitioner's Restitution Ordered  
From Co-Defendants**

COMES NOW, Angel Sanchez, pro se Petitioner in the instant above cited case to most respectfully request the indulgence of this Honorable Court for good cause and reasons following;

As the court is aware, Petitioner stands as an indigent and pro se litigant in this matter at bar. Petitioner believes that his cause and issue is one of meritorious nature and that he is deserving of the full consideration afforded by this United States District Court, for the Middle District of Pennsylvania.

**Statement of the Case/Facts**

Petitioner plead guilty to count(s) IV of the superseding indictment of 18 U.S.C. § 924(c)(1)(A)(iii), of Possessing, Using

Carrying, Brandishing, and Discharging a Firearm in Furtherance of Drug Trafficking and During and in Relation to Drug Trafficking on 7/21/2000, in the district court, the Honorable Sylvia H. Rambo, presiding. In this plea agreement a "Lump Sum" of four thousand, two hundred and twenty one (dollars) and twenty-five (cents), (\$4,221.25), was also ordered by the court jointly and severally with Petitioner's two (2) co-defendants, Ahmed Walker, (case # 1:00-CR-0300-03), and Christopher Ames, (case # 1:00-CR-0300-01). Petitioner was sentenced to one hundred and twenty (120) months incarceration, in federal prison.

**Petitioner's Request To Sever Future Payment Of Restitution**

On November 3, 2005, Case Manager J. Gudonis approached the Office of the U.S. Attorney in this matter, see Exhibit (A). A letter was replied on Nov. 22, 2005, see Exhibit (B).

At present, Petitioner has worked in the UNICOR factory for some time and has had (50%) of his monthly pay taken for court payments in restitution. Petitioner has taken this matter seriously, and as of this date has paid MORE than his third of the total payments. At present, Petitioner understands that his two (2) co-defendants pay only \$25.00 (twenty-five) dollars quarterly, a total of one hundred (dollars) (\$100.00) each year. Even though this Honorable Court issued an order of "Joint and Severally" this matter is of plain error, moreso of just plain fairness, and must be corrected by this court.

Petitioner has sent small amounts of money home to his family, (for support), and is trying to save funds for assistance upon future release. Now Petitioner is on a "tight" budget with funds needed for hygiene products, "sick-call-outs," and telephone credits to stay in contact with his family. Petitioner requests that since he has paid OVER his third of the ordered restitution that his part and responsibility should be so noted by this court, and be allowed to sever any and all future payments, since Petitioner has fulfilled his commitment of (more-than) one third of payments, this court should so order this matter, (for Petitioner) closed.

Even as this motion is reviewed and a decision made by the court, it will probably,-- take another (90) days with three (3) more payments by the Petitioner, of a total of another one hundred and eighty + (dollars) (\$180.00), which should more than satisfy this court, and the government. After all, if one co-defendant in this case, (or any case), say, . . . died of a heart-attack, would the remaining co-defendants be responsible for that co-defendant's sentence, and have to serve additional time by the court ? If the answer by the court is "No," then Petitioner's request to sever all remaining restitution should be so GRANTED.

Before Petitioner presented this motion to the court, he approached his case manager and staff officials for any kind of administrative remedies which might be required. Petitioner was informed that there was none, that this matter was between the

courts and the Petitioner. The court has also erred in ordering defendant, (now Petitioner) to pay restitution without satisfying mandatory requirements of Mandatory Victims Restitution Act (MVRA), that it specify in restitution order the manner and schedule of payments to be made and consider defendant's financial resources. See, U.S..v..Coates, 178 F.3d 681 (3rd Cir. 1999), and see, U.S..v..Graham, 72 F.3d (3rd Cir. 1995).

### Conclusion

In pro se litigations for any motions, petitions, and writs, must be given liberal construction, and Petitioner is not required to identify specific legal theories or offer case citations in order to be entitled relief. See, Frey.v..Schuetzle, 78 F.3d 359 (8th Cir. 1996). The United States Supreme Court holds allegations of a pro se motion to less stringent standards than formal pleadings drafted by lawyers, Haines.v..Kerner, 404 U.S. 519 (1972)(per curiam), also see, Tillman.v..Lebanon.County Correctional.Facility, 221 F.3d 410 (3rd Cir. 2000). Once a pro se litigant has done everything possible to bring his/her action, he should NOT be penalized by strict rules which might otherwise apply if he were represented by legal counsel, see, Ortiz.v..Cornetta, 867 F.2d 146 (2d Cir. 1989).

WHEREFORE, subject to this court's most gracious acceptance of this motion, and request to sever Petitioner's

restitution from his co-defendants, and all consideration by this most Honorable Court, Petitioner wishes to thank the court in anticipation that his motion/request will be GRANTED.

Most respectfully presented,

*A Sanchez* 2-23-06

Angel Sanchez, pro se  
# 10869-067  
FCI Schuylkill  
P.O. Box 759, Unit 1-B  
Minersville, PA 17954-0759

**Certificate of Service**

I, Angel Sanchez, hereby certify that I have sent a true and correct copy of this motion, via U.S. Mail, first-class, postage pre-paid, to:

Office of the U.S. Attorney  
Middle District of Pennsylvania  
228 Walnut Street  
Federal Building, Suite 220  
Harrisburg, PA 17108-1754

All matters pursuant to 28 U.S.C. § 1746.

Dated and mailed on this 23<sup>rd</sup> day of February, 2006.

*A Sanchez*  
Angel Sanchez

Angel Sanchez

FCI Schuylkill # 10869-067  
P.O. Box 759  
Minersville, PA 17954-0759



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**CERTIFIED MAIL**

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

3  
al Mail

TO Office of the Clerk of the Court  
U.S. District Court/Middle Dist. of Penn.  
228 Walnut Street  
Federal Building & U.S. Courthouse  
Harrisburg, PA 17108